

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SERGEY SPITSYN,

Plaintiff,

v.

RICHARD MORGAN, *et al*,

Defendants.

Case No. C04-5134FDB-KLS

ORDER ADOPTING REPORT &  
RECOMMENDATION AND  
DENYING PLAINTIFF'S  
MOTION FOR INJUNCTION

In the Report and Recommendation, the Magistrate Judge notes that Petitioner again seeks an injunction against defendants with respect to his loss of good time credits: Petitioner asks for *de novo* review in light of events that transpired subsequent to the denial of his prior motion for injunctive relief. Finding that Plaintiff had presented no new evidence to show that any of the named defendants were in any way responsible for or involved in the infraction he received and resulting loss of good time credits, the Magistrate Judge recommended denial of the motion as being without merit.

Plaintiff responded to the Report and Recommendation as follows: "I ask that the judge address the issues in the preliminary injunction *sua sponte*."

The Court, having reviewed the record herein, including the objections and response thereto to the Report and Recommendation, concurs with the Magistrate Judge that injunctive relief must be denied, there being no evidence upon which to conclude that injunctive relief is appropriate.

Plaintiff also moves that this Court act *sua sponte* with respect to his being provided with an incomplete document (Dkt. # 102) in the case. The Defendant responds, that the first copy of Document # 102,


1 which was inadvertently provided to Plaintiff without a relevant footnote, has now been provided to Plaintiff  
2 with the footnote as it appears in the case at Docket Entry # 102. Thus, Defendants acknowledge the mistake,  
3 which has now been corrected, and Defendants argue that there has been no prejudice to Plaintiff and that  
4 monetary sanctions are not in order.

5 The Court concludes that the Plaintiff's motion with regard to Docket Entry # 102 is moot by its having  
6 been provided to Plaintiff as entered, and that no sanctions are in order under the circumstances.

7 The Court, having reviewed the Report and Recommendation, plaintiff's motion for injunction and  
8 the remaining record, including Plaintiff's Objections and his Motion, hereby finds and ORDERS:

- 9 (1) The Magistrate Judge's Report and Recommendation is approved and adopted;  
10 (2) Plaintiff's motion for injunction (Dkt. #131) is DENIED;  
11 (3) Plaintiff's Motion For the Court To Act *Sua Sponte* [Dkt. # 148] is found to be MOOT;  
12 (3) The Clerk is directed to send copies of this Order to plaintiff and any other party that has  
13 appeared in this action.

14 DATED this 6<sup>th</sup> day of April 2007.

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18 FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE  
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